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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,641	08/25/2003	Franz Herbert	032264.00027 (ICS)	2525
27863	7590	12/15/2005	EXAMINER	
MCNAIR LAW FIRM, PA P.O. BOX 10827 GREENVILLE, SC 29603-0827			RAHMJOO, MANUCHER	
			ART UNIT	PAPER NUMBER
			2676	
DATE MAILED: 12/15/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/647,641	Applicant(s) HERBERT ET AL.	
	Examiner Mike Rahmjoo	Art Unit 2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/24/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments, see the response to the restriction requirement pages 1-4, filed 04/13/2005, with respect to restriction requirement have been fully considered and are persuasive. The restriction requirement of 01/25/2005 has been withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35-U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1- 50 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 recites "...a composition component database...**for manufacturing** products ...". As per applicant's disclosure in paragraph [0018] applicant recites "data relating to physical characteristics of manufactured products using a system" and in

paragraph [0021] "composition components can include color pigments added to plastic base material during the manufacture of a plastic product. Examiner fails to see any composition component database performing any manufacturing function which renders the claim(s) containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 1- 50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1 line 4 recites "...a product to be manufactured...". It is not clear whether a product is or is not manufactured.

As per claim 1 line 9 recites "...formulations for manufacturing products...". It is not clear what is performing "manufacturing" of the products.

As per claim 1 line 13 recites "... a product to be manufactured...". It is not clear whether a product is or is not manufactured.

As per claim 2 lines 1- 2 recites "...instructions include instructions ...". It is not clear what applicant means.

As per claim 3 line 2 recites "...said color display to enable said display...". It is not clear how it is feasible for a color display to perform the task of "enable" as claimed therein.

As per claim 4 line 4 recites "...to be able to view...". It is not clear whether viewing is or is not performed.

As per claim 5 line 5 recites "...color appearance can be viewed...". Use of "can" makes the claim language indefinite.

As per claim 6 line 4 recites "...component can be made...". It is not clear whether a component is or is not made.

Claim 3 recites the limitation "said display" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "said computer readable instructions" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the associated characteristics" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claims 8- 50 have similar rejections and are therefore rejected under the same rational.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure; US Patent 5,483,259 and 5,614,925.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is (571) 272-7789. The examiner can normally be reached on 6:30- 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571) 272- 7778. The fax phone number for the organization where this application or proceeding is assigned is (571) 273- 8300 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Mike Rahmjoo

November 28, 2005



MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600